

Appl. No. 10/688,376

Reply to Office Action of September 8, 2006

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REMARKS

This Response is submitted in reply to the Office Action mailed on September 8, 2006. Claims 1-29 are pending in the patent application. Claims 13-19 and 21-26 were previously withdrawn. Claims 1, 12 and 29 have been amended. No new matter has been added by this response.

In the Office Action, the Examiner objects to the specification as failing to provide proper antecedent basis for the phrase "independent of the valve" in claims 1 and 29. Applicants have deleted this phrase from these claims and therefore request that the objection to the specification be withdrawn.

Claims 1-9, 12, 20, and 29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that such a matter which Applicants regard as the invention. Specifically, the Examiner states that in claims 1 and 29, the phrase "independent of the valve" is unclear. As stated, Applicants have deleted this phrase from claims 1 and 29. Applicants therefore request that the rejection of claims 1 and 29 under § 112 be withdrawn.

The Examiner also states that in claim 12, it is unclear as to whether the retaining plate defined in this claim is intended to define the same retaining plate defined in claim 1. Applicants have amended claim 12 to change the phrase "a retaining plate" to "the retaining plate." Therefore, the retaining plate of claim 12 refers to the retaining plate defined in claim 1. This amendment provides proper antecedent basis for the term "retaining plate" in claim 12 and therefore Applicants request that the rejection of claim 12 under § 112 be withdrawn.

Claim 29 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,210, 064 to White et al. ("White"). Applicants traverse this rejection for the following reasons.

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Claim 29 as amended is directed to a fluid-containing cleaning device having a housing defining a fluid reservoir and an opening, a cleaning medium carried by the housing, and a valve carried by the housing for providing communication between the reservoir and the cleaning medium. The cleaning device includes a closure structure that closes the opening, a flexible and resilient actuator adjacent to the reservoir and deflectable between a rest position and an actuating position, and a bias structure resiliently biasing the actuator to its rest position, without exerting a force on the valve. *White* does not disclose or suggest such subject matter.

*White* is directed to a soap-fillable brush having a sealed actuator. The brush 10 includes a housing 11 and an actuator button 40 which is engageable by dome 51. The actuator is connected to a valve assembly 30 which includes a valve stem 31 connected at one end to the button and an opposing end to flange 37. The spring 36 is positioned between the flange 37 and a wall 24 to bias an o-ring seal 34 against wall 24. When a button is pressed, the valve stem moves downwardly to correspondingly move the flange to compress the spring and disengage the o-ring seal from the wall. This enables soapy fluid to exit the reservoir. When the button is released, the spring biases the flange upwardly and thereby the o-ring seal into engagement with the wall to prevent soapy fluid from exiting the reservoir. The spring 36 (i.e., the bias structure) therefore biases the valve stem 31 and also the button 40 upwardly so the button returns to its rest position. The spring also biases the valve assembly 30 so that the o-ring seal is moves into engagement with the wall to seal the opening at the bottom of the brush 10. The spring therefore exerts a force on both the valve stem 31 and on the valve assembly 30. In contrast, claim 29 specifically discloses that its bias structure resiliently biases the actuator to the rest position, but does not exert a force on the valve.

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For at least these reasons, Applicants submit that claim 29 is patentably distinguished over *White* and in condition for allowance.

Claims 1-9, 12, 20 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,779,963 to Wohl et al. ("*Wohl*") and *White*. Applicants traverse this rejection for the following reasons.

Claim 1, as amended, is directed to a fluid-containing cleaning device including a housing defining a fluid reservoir and an opening, a cleaning medium carried by the housing, a valve carried by the housing for providing communication between the reservoir and the cleaning medium and a closure structure that closes the opening. The cleaning device also includes a flexible and resilient actuator positioned adjacent to the reservoir and deflectable between a rest position and an actuating position. The cleaning device further includes a retaining plate mounted in the opening and a bias structure that resiliently biases the actuator to its rest position without exerting a force on the valve.

As stated above, *White* does not disclose or suggest a bias structure such as a spring which resiliently biases the actuator button to its rest position without exerting a force in the valve. *Wohl* does not remedy the deficiencies of *White*.

*Wohl* is directed to a cleaning and polishing device including a disk 20 positioned adjacent to an opening in the upper half 18 of the cartridge C. The device also includes a button 26 and a coil spring 24 positioned between the button and the disk. The stem 22 extends from the button 26 to a valve disk 32. Referring to Figs. 1 and 4, when button 26 is depressed, the spring 24 is compressed, and the stem 22 moves downwardly to disengage valve disk 32 from the opening at the lower portion of cartridge C. When button 26 is released, the spring expands back to its rest position and biases the button 26 and stem 22 upwardly to cause the valve disk 32 to move

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upwardly and seal the opening in the lower portion of cartridge C. The expanding force exerted by the spring 24 therefore is exerted on the stem 22 and the valve disk 32 to cause the stem and the valve disk to move upwardly so that the valve disk seals the opening at the bottom of the cartridge. Contrary to the claimed invention, the spring 24 in *Wohl* exerts a force on both the stem and the valve. Additionally, disk 20 (i.e., the retaining plate) is not mounted in the opening in the upper portion of cartridge C. Instead, the disk 20 is seated on top of the opening.

For at least these reasons, Applicants submit that the combination of *White* and *Wohl* does not disclose or suggest the subject matter of amended claim 1. Accordingly, Applicants submit that amended claim 1 and claims 2-12 and 20, which depend from amended claim 1, are each patentably distinguished over the combination of *White* and *Wohl* and in condition for allowance.

If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (37787-432400) on the account statement.

Respectfully submitted,

By



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